

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

DOMINIC ARTIS and DAMYEAN
DOTSON

Plaintiffs,

v.

UNIVERSITY OF OREGON; SANDY
WEINTRAUB; CHICORA MARTIN;
ROBIN HOLMES; AND MICHAEL R.
GOTTFREDSON,

Defendants.

Case No.:

COMPLAINT

CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION

DEMAND FOR JURY TRIAL

Prayer: \$ 20 million

(ORS 21.160(1)(e))

Plaintiffs Dominic Artis and Damyean Dotson, by and through their counsel, Alex Spiro of Brafman & Associates, P.C. (*pro hac vice* petition forthcoming), and local counsel Brian Michaels, by way of Complaint against Defendants University of Oregon; Sandy Weintraub; Chicora Martin; Robin Holmes; and Michael R. Gottfredson, hereby alleges as follows:

1.

Due to the amount prayed for this claim is not subject to mandatory arbitration.

THE PARTIES

2.

Plaintiffs Artis and Dotson are 21-year-old individuals who were formerly matriculated students at the University of Oregon (when abbreviated, "University").

3.

Dominic Artis went to Salesian High School in Richmond CA until 11th grade. They won a state championship his freshman year (2009) and went to the state championship his junior year. His junior year (2011) he also won Division IV Player of the Year in California. He went to Findlay Prep High School in Henderson, NV for his senior year. They won the national championship that year (2012). For the Nationally Televised Hoop Hall Classic he received 'player of the game.' And for the nationally televised game against Bishop Gorman he received 'most inspirational.' He was also ranked 62nd on the ESPN 100 (#5 in state) coming out of high school and he was ranked the #8 point guard in the country and #1 in California as well. Mr. Artis was #32 in some mock drafts as a freshman in college. He was also invited to, and attended, the Darron Williams Nike Skills camp his senior year of high-school, and the Kyrie Irving Skills camp his freshman year of college which was composed of the top 20 point guards in college at the time.

4.

Damyean Dotson went to Jack Yates High School, a top basketball school in Texas. As a junior, he was recognized as the District 21 Newcomer of the Year and an All-District performer. In his senior season, he was captain of the team averaging 21 points and 5 rebounds per game which led to him being one of the top ranked players in Houston and leading his team to two state finals. The Houston Chronicle named him 2012 Greater Houston Player of the Year and he was selected All-District 21, All-Region 3 and 4A All-State after his impressive senior year. Mr. Dotson was slated for a Shooting Guard position, having been recruited at Oregon, Colorado, George Town, Texas Tech, Dayton, Arkansas, Texas Southern, Texas A&M. In his freshmen season at Oregon he was named to the 2013 Kyle Macy Freshman All-American Team, All-Tournament team and Pac-12 Freshman team

1 and was invited to the Kevin Durant and LeBron James basketball camp and well as a finalist on the
 2 Team USA U19 Squad. How the actions on the part of the Defendants not occurred, he would
 3 currently be an NBA player making millions of dollars per year.

4 5.

5 Defendant University is, and was at all relevant times, an institution of higher education chartered
 6 and existing pursuant to the laws of the State of Oregon, located in Eugene, Oregon.

7 6.

8 Defendant Sandy Weintraub is, and was at all relevant times, the Director of Student Conduct &
 9 Community Standards at the University. Mr. Weintraub can be served with process at the Office of
 10 the Dean of Students, 164 Oregon Hall, Eugene, OR 97403. Mr. Weintraub is being sued in his
 11 individual capacity.

12 7.

13 Defendant Chicora Martin was, at all relevant times, the Assistant Dean of Students at the
 14 University. Ms. Martin can be served with process at Mills College, Cowell Building, 5000
 15 MacArthur Blvd, Oakland, CA 94613. Ms. Martin is being sued in her individual capacity.

16 8.

17 Defendant Robin Holmes is, and was at all relevant times, Vice President for Student Life at the
 18 University. Dr. Holmes can be served with process at Division of Student Life, 5216 University of
 19 Oregon, 164 Oregon Hall, Eugene, OR 97403. Dr. Holmes is being sued in her individual capacity.

20 9.

21 Defendant Michael R. Gottfredson was the President of the University from August 1, 2012, through
 22
 23
 24
 25
 26

1 approximately August 6, 2014. Dr. Gottfredson can be served with process at UC Irvine School of
 2 Social Ecology, 5300 Social and Behavioral Sciences Gateway, Irvine, CA 92697. Dr. Gottfredson
 3 is being sued in his individual capacity.

4 VENUE

5 10.

6
 7 Venue is proper in the Circuit Court for Lane County, Oregon, because the University resides in this
 8 judicial district, and a substantial part of the events or omissions giving rise to the claim occurred in
 9 this judicial district.

10 FACTS

11 11.

12
 13 As one of the top hundred or so high school basketball prospects in the nation, each Plaintiff
 14 received offers to play basketball at multiple universities, and ultimately chose to attend Oregon.

15 12.

16 In order to induce plaintiffs to attend Oregon, Oregon provided plaintiffs with an athletic scholarship.

17 13.

18 Plaintiffs attended an off-campus party on or around March 8, 2014.

19 14.

20
 21 After about an hour and a half, a female student approached members of the basketball team,
 22 including plaintiffs, and a separate related plaintiff, Brandon Austin, and began dancing for them.

23 15.

24 Subsequently, the female student went into a bathroom with plaintiffs and Mr. Austin and initiated
 25 consensual sexual activity. The individuals then left the bathroom together.
 26

16.

Numerous individuals at the party witnessed the female student interacting with the basketball players both before and after the sexual activity in the bathroom, and would have testified under oath that the female student gave absolutely no indication that she was sexually assaulted, or even upset, and insisted on remaining with the basketball players even after they left the bathroom.

17.

Later in the evening, the female student chose to return to the apartment of one of the basketball players, along with all three basketball players. The female student was laughing and joking, even as she left the party with plaintiffs, and entered the taxi-cab with them. At least one female witness would have testified under oath she offered the female student a ride, which she declined. At no time did this witness observe any reluctance on the part of the female student, nor any aggression on the part of plaintiffs.

18.

The female student chose to stay overnight at the apartment, and continued to engage in sexual activity after waking up in the morning.

19.

Thereafter, the female student was sent home in a cab, and she sent a text message stating "thanks for getting me home."

20.

At no point did the female student appear to be intoxicated.

21.

At no point did the female student say "no" about any sexual activity.

22.

The female student expressed verbal consent and/or gave unmistakable physical indications of her desire to participate in sexual contact with the young men at the times they were engaged in sexual conduct.

23.

For reasons heretofore unknown, within a day or two, the female student began making false, scandalous, and malicious accusations about all three basketball players, including the utterly false accusation that the players dragged her into the bathroom and assaulted her; the utterly false accusation that the players wrestled her into a car, forced her to get drunk, and drove her to the apartment; and the utterly false accusation that she was raped at the apartment.

24.

Thereafter, the accuser made numerous inconsistent statements to the Eugene Police Department regarding her sobriety, the events and conversations leading up to the sexual conduct, and the actual actions, words, and behavior of those involved during sexual contact.

25.

On April 14, 2014, the Lane County District Attorney determined their office would not be pressing charges against any of the basketball players "because the conflicting statements and actions by the victim make this case unprovable as a criminal case."

26.

In or around late April, the Oregonian newspaper published the police report that the female student had made.

27.

1 The next evening, presumably in response to the publication of the police report, the District
 2 Attorney's office issued a document outlining numerous weaknesses in the case, and concluding that
 3 those weaknesses presented "an insurmountable barrier to prosecution."

4
 5 28.

6 At a proximate point in time, defendant Gottfredson imposed discipline upon players without due
 7 process by making a public statement condemning the basketball players, even though the District
 8 Attorney had declined to prosecute, and the University had not started, much less concluded, the
 9 hearing process.

10
 11 29.

12 Almost immediately after the police report was published, and notwithstanding the clarifying
 13 statement from the District Attorney's office, defendant Martin improperly suspended plaintiffs on an
 14 "emergency" basis, and scheduled an "emergency" hearing to expel the plaintiffs.

15
 16 30.

17 Almost concurrently, a University student came forward and told a University investigator that she
 18 personally interacted with the female complainant throughout the evening in question, the female
 19 complainant was not at all intoxicated, and the female complainant insisted on going home with the
 20 basketball players, to the point of refusing to leave with her friends.

21
 22 31.

23 At all relevant times, it was well-established that, given the seriousness of the alleged infraction, the
 24 possible consequences, and the degree of sanction or penalty sought to be imposed, the Fourteenth
 25 Amendment to the United States Constitution's guarantee of procedural and substantive due process,
 26 and the Oregon Revised Statutes, required the defendants to provide plaintiffs with the right to

1 representation by counsel, testimony of witnesses under oath, depositions, issuance of subpoenas,
2 and cross-examination of witnesses, and other due process protections.

3
4 32.

5 After the hearing was scheduled, plaintiffs' counsel requested a hearing which complies with the due
6 process requirements of the Constitution and of those set forth in ORS 351.088, and ORS 183.413-
7 .497 and 183.502, including representation by counsel (ORS 183.417(1)), testimony of witnesses
8 under oath (ORS 183.417(7)), depositions (ORS 183.425), issuance of subpoenas by a party (ORS
9 183.440), and cross-examination of witnesses (ORS 183.450(3)).

10
11 33.

12 Among other things, the plaintiffs' counsel further made clear that, in order to present a defense, the
13 players would need to subpoena the numerous witnesses who would testify that the female student
14 gave absolutely no indication that she was sexually assaulted, or even upset, and insisted on
15 remaining with the basketball players even after they left the bathroom, and two individuals with
16 whom the female student had chosen to have sex after just meeting them, evidencing her willingness
17 to engage in sexual activity with individuals who she just met.

18
19 34.

20 In violation of plaintiffs' procedural and substantive due process rights, and rights under the Oregon
21 Revised Statutes generally and as cited above, the defendants refused to (among other things) allow
22 the players to subpoena witnesses who would be supportive of his defense, refused to provide
23 unredacted reports, refused to provide a contested case hearing, refused to allow cross-examination,
24 and otherwise refused to provide the due process required by the United States Constitution and
25
26

1 applicable laws.

2 35.

3 Instead, the defendants engineered an unconstitutional "sham court" hearing of the very worst order,
4 in which plaintiffs was deprived of the foregoing rights.

5 36.

6 The hearing was ultimately scheduled for May 30, 2014.

7 37.

8 Defendant Weintraub ruled against plaintiffs, suspending them from the University from four to ten
9 years, and refused to provide due process, in all manner described in detail above.

10 38.

11 Defendant Holmes was charged with the responsibility of hearing an appeal.

12 39

13 Dr. Holmes, however, refused to respond to the request for an appeal and did not return multiple
14 phone calls from counsel thereby right to procedural and substantive due process.

15 40

16 In or around January 2015, the female student filed a lawsuit against Oregon, alleging that her Title
17 IX rights had been violated due to Oregon's alleged "deliberate indifference" to the safety of its
18 students.

19 41.

20 Consistent with the allegations averred in this Complaint, University's counsel contacted Mr.
21
22
23
24
25
26

1 Austin's (the third player suspended in this incident) counsel, in essence admitting the University
 2 believed the female student was not telling the truth about the sexual assault, and asked for Mr.
 3 Austin's help in defending the suit.

4 42.

5 Prior to defendants' actions, plaintiffs were regarded as two of the top amateur basketball players in
 6 the United States of America; on the basketball team at Oregon, a Division school within the Pac-12
 7 Conference; and widely projected to be selected in the NBA Draft, which would more likely than not
 8 be accompanied by a multi-million dollar contract and tens of millions of dollars in prospective
 9 economic advantage.
 10

11 43.

12 As a direct and proximate result of the defendants' conduct, plaintiffs no longer play at a Division I
 13 school, has severely diminished chances of playing in the NBA, has been made to suffer the
 14 opprobrium associated with a suspension from a university, and the opprobrium associated with
 15 committing a sexual assault (when in fact they committed no sexual assault), and as a result have
 16 suffered personal and professional harm, including extreme emotional distress, in the past, and as a
 17 result will suffer personal and professional harm in the future, including loss of income.
 18

19 44.

20 Plaintiffs Artis and Dotson, served timely (within 180 days of the events), proper notice of his claims
 21 in the manner required by ORS 30.275.
 22

23 **COUNT 1**
 24 **VIOLATION OF TITLE IX OF THE**
 25 **EDUCATION AMENDMENTS OF 1972,**
 26 **20 U.S.C. § 1681, ET SEQ.**
(FOR ATTORNEY FEES UNDER 42 USC § 1988)
(AGAINST ALL DEFENDANTS)

10 - COMPLAINT

1
2 45.

3 Plaintiffs Artis and Dotson, repeat the foregoing allegations as if fully set forth herein.
4

5 46.

6 Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681, et seq.) provides, in relevant part,
7 as follows: “No person in the United States shall, on the basis of sex, be excluded from participation
8 in, be denied the benefits of, or be subjected to discrimination under any education program or
9 activity receiving Federal financial assistance.”
10

11 47.

12 The University receives federal funding through various means including, without limitation, student
13 loans provided to University students directly by the federal government and through other funds
14 furnished by the federal government, and as such is subject to the strictures of Title IX and its
15 implementing regulations.
16

17 48.

18 To assist schools with implementing Title IX and its regulations, the Office of Civil Rights of the
19 United States Department of Education has identified a number of factors to be used in determining
20 whether a school’s procedures satisfy the “prompt and equitable” requirements of the regulations.
21 The procedures adopted by a school must not only “ensure the Title IX rights of the complainant,”
22 but must also “accord[] due process to both parties involved”
23

24 49.

25 The University (by and through its agents and employees acting within the scope of their agency and
26 employment, including these Defendants) deprived each of these Plaintiffs, solely upon the basis of

1 their gender, of their Title IX rights to, among other things, due process and equal protection through
 2 the improper administration, and/or the existence, in its current state, of the University's policies and
 3 procedures.

4 50.

5
 6 First, from the very beginning of these horrific accusations of sexual assault, the University engaged
 7 in selective enforcement in violation of Title IX, and discriminated against each of these Plaintiffs
 8 based solely upon their gender and, as a result, each of these Plaintiffs has been seriously and
 9 irreparably damaged.

10 51.

11 Regardless of his guilt or innocence (and, to be clear, each of these Plaintiffs was and is innocent),
 12 the severity of the penalty (a suspension of between four and ten years), as well as the decision to
 13 initiate the proceeding in the first place, were affected by the fact that each of these Plaintiffs is male,
 14 and the accuser is female.

15 52.

16
 17 On April 14, 2014, the Lane County District Attorney determined they would not be pressing charges
 18 against Mr. Austin or any of the basketball players "because the conflicting statements and actions by
 19 the victim make this case unprovable as a criminal case."
 20

21 53.

22 In or around early May 2014, presumably in response to the publication of the police report, the
 23 District Attorney's office issued a lengthy document outlining numerous weaknesses in the
 24 prosecution's case, as well as numerous inconsistencies in the accuser's statements, and concluding
 25 that those weaknesses presented "an insurmountable barrier to prosecution."
 26

54.

Dr. Gottfredson's pronouncement on behalf of the University at the outset of the disciplinary proceedings, however, included the conclusion that the female accuser was a "survivor," and the statement that "as a father, I was appalled at what I read."

55.

On information and belief, the University has never taken action against a female student for engaging in the type of conduct each of these Plaintiffs have been so accused.

56.

On information and belief, the University has never taken action against a female student for making a false allegation of the kind involved in this matter.

57.

On information and belief, in large part due to the lack of any opportunity to defend themselves, accused males invariably are presumed guilty, and found guilty, by University when charged with sexual misconduct at the University.

58.

Second, there was an erroneous outcome from a flawed proceeding, in violation of Title IX.

59.

The University discriminated against each of these Plaintiffs by failing to comply with its own procedures and by failing to comply with the requirements of Title IX, in order to reach a predetermined result, due to their sex, and gender stereotypes.

60.

The University created an environment in which each of these Plaintiffs, as an accused male student,

1 was so fundamentally denied due process as to be presumed guilty and thereby assured a finding of
2 guilt.

3 61.

4 Such a biased and one-sided process deprived each of these Plaintiffs, as a male student, of
5 educational opportunities based exclusively upon their gender.
6

7 62.

8 The University conducted its “investigation” and subsequent hearing in a manner that was biased
9 against these accused, based exclusively upon their gender.

10 63.

11 From the outset, the investigation and hearing processes were slanted in favor of the female accuser,
12 because of her gender. The University’s representatives, including its president, accepted her
13 statements at face value despite the prosecutor’s statements, and granted the female accuser the
14 presumption of truth because she is female.
15

16 64.

17 Each of these Plaintiffs did not have an equal or fair opportunity to present relevant witnesses, to
18 present evidence (as described above), and to present evidence about the accuser’s motives to present
19 false accusations.
20

21 65

22 Those involved with the hearing process were improperly and/or insufficiently trained under Title
23 IX.
24

25 66.

26 The University responded to the accuser’s accusations with a series of arbitrary, capricious,

1 discriminatory, and gender-based actions directed toward a predetermined outcome: each of these
 2 Plaintiffs' suspension from the University.

3 67.

4 Third, the University, in violation of Title IX, demonstrated a deliberate and systemic indifference to
 5 the rights of each of these Plaintiffs based exclusively upon their gender.
 6

7 68.

8 The University's actions, and inactions, were unreasonable in light of the known circumstances,
 9 including but not limited to the District Attorney's office declining to prosecute, and issuing a
 10 document outlining numerous weaknesses in the case, and concluding that those weaknesses
 11 presented "an insurmountable barrier to prosecution."
 12

13 69.

14 But for the obvious gender bias, the outcome of the University proceeding would have been
 15 different.
 16

17 70.

18 As a direct and proximate consequence of the University's Title IX violation, each of these Plaintiffs
 19 has sustained significant damages including, but not limited to, having an academic and/or
 20 disciplinary record(s) that improperly reflects they were found to have committed sexual misconduct,
 21 harassment, and/or other related offenses.
 22

23 71.

24 Additionally, as a direct and proximate consequence of the University's Title IX violation, each of
 25 these Plaintiffs no longer plays at a Division I school, has diminished chances of playing in the NBA,
 26 has been made to suffer the opprobrium associated with an suspension from a university, and the

1 opprobrium associated with committing a sexual assault (when in fact he committed no sexual
 2 assault), and has as a result suffered personal and professional harm, including emotional distress, in
 3 the past, and will as a result suffer personal and professional harm in the future, including loss of
 4 income.

5
 6 72.

7 Without limiting the generality of the foregoing, as a result of the actions of these Defendants, each
 8 of these Plaintiffs will sustain economic damages in the form of lost income, and seeks at least \$9
 9 million for economic damages; and has sustained and will continue to sustain noneconomic
 10 damages, and seeks \$1.5 million in noneconomic damages.

11
 12 73.

13 Plaintiffs were required to hire attorneys to represent them in this matter and is entitled to an award
 14 of reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988, Title IX, and otherwise

15
 16
 17 COUNT 2
 18 LIABILITY UNDER 42 U.S.C. § 1983
 19 (AND FOR ATTORNEY FEES UNDER § 1988)
 20 (VIOLATION OF THE FIFTH AND 14TH AMENDMENTS' GUARANTY OF DUE
 21 PROCESS)
 22 (AGAINST ALL DEFENDANTS EXCEPT UNIVERSITY OF OREGON)

23
 24 74.

25 Plaintiffs Dominic Artis and Danyean Dotson, repeat the foregoing allegations as if fully set forth
 26 herein.

75.

The university education, and basketball scholarship, as paid for and held by Plaintiffs, guaranteed

1 under the admission process by University, is a vested property right and interest of plaintiffs as held
 2 by the University of Oregon, an agency of the State of Oregon, and may not be taken or deprived
 3 without due process.

4 76.

5 At all relevant times, Artis and Dotson were recipients of an athletic scholarship from the University
 6 of Oregon, which contained both express terms and an implied covenant of good faith and fair
 7 dealing.
 8

9 77.

10 The individually sued defendants, in their individual capacities, are "persons" within the ambit of 42
 11 U.S.C. § 1983.
 12

13 78.

14 These defendants, in their individual capacities, acted "under color of" state law because they
 15 exercised power "possessed by virtue of state law and made possible only because the wrongdoer is
 16 clothed with the authority of state law." See West v. Atkins, 487 U.S. 42, 49 (1988) (quoting United
 17 States v. Classic, 313 U.S. 299, 326 (1941)).
 18

19 79.

20 Furthermore, these defendants and their representatives were acting in accordance with their
 21 employers' official policy and custom, including the refusal to provide students facing expulsion with
 22 substantive and procedural due process.
 23

24 80.

25 There was a direct and proximate causal connection between these defendants' wrongful conduct and
 26

1 the harm and damages that resulted.

2 81.

3 These defendants' conduct deprived the plaintiff of his rights under the Fifth and Fourteenth
4 Amendments to the United States Constitution, and other rights secured by the Bill of Rights and the
5 United States Constitution, as well as other federally secured rights and rights secured by other law,
6 and failed to protect plaintiffs from injury.

8 82.

9 These defendants acted arbitrarily and capriciously, acted with deliberate indifference towards the
10 plaintiffs substantive and procedural due process rights, and acted with an improper motivation.

12 83.

13 As a result of these defendants' conduct, Mr. Austin has suffered and will continue to suffer
14 personal and professional harm, as alleged *supra*.

15 84.

16 As a result of these actions by defendants, plaintiffs are each likely to sustain economic damages in
17 the form of lost income; and have sustained and will continue to sustain noneconomic damages;
18 thereby each Plaintiff is seeking at least \$9 million for economic damages; and has sustained and will
19 continue to sustain noneconomic damages, and seeks \$1.5 million in noneconomic damages.

21 85.

22 Plaintiffs were required to hire attorneys to represent him in this matter and is entitled to an award of
23 reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

24
25
26
COUNT 3
LIABILITY UNDER 42 U.S.C. § 1983

**(AND FOR ATTORNEY FEES UNDER § 1988)
(VIOLATION OF THE 14TH AMENDMENT'S GUARANTY OF EQUAL
PROTECTION)
(AGAINST ALL DEFENDANTS EXCEPT UNIVERSITY OF OREGON)**

86.

Plaintiffs Dominic Artis and Damyean Dotson, repeat the foregoing allegations as if fully set forth herein.

87.

These defendants by their treatment of these Plaintiffs during these accusatory proceedings in a disparate manner, discriminating against them due to their gender by depriving them of the slightest rights afforded an accused, by announcing their guilt to the press before even conducting the slightest investigation, or opportunity to defend themselves against such horrific allegations, despite the fact the Lane County District Attorney's Office, upon review of the evidence, declined to prosecute.

88.

The individually sued defendants, in their individual capacities, are "persons" within the ambit of 42 U.S.C. § 1983.

89.

These defendants, in their individual capacities, acted "under color of" state law because they exercised power "possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law." See West v. Atkins, 487 U.S. 42, 49 (1988) (quoting United States v. Classic, 313 U.S. 299, 326 (1941)).

90.

1 Furthermore, these defendants and their representatives were acting in accordance with their
 2 employers' official policy and custom, including the refusal to provide students facing expulsion with
 3 substantive and procedural due process.

4 91.

5 There was a direct and proximate causal connection between these defendants' wrongful conduct and
 6 the harm and damages that resulted.

8 92.

9 These defendants' conduct deprived the plaintiff of his rights under the Fifth and Fourteenth
 10 Amendments to the United States Constitution, and other rights secured by the Bill of Rights and the
 11 United States Constitution, as well as other federally secured rights and rights secured by other law,
 12 and failed to protect plaintiffs from injury.

14 93.

15 These defendants acted arbitrarily and capriciously, acted with deliberate indifference towards the
 16 plaintiffs substantive and procedural due process rights, and acted with an improper motivation.

18 94.

19 As a result of these defendants' conduct, Mr. Austin has suffered and will continue to suffer
 20 personal and professional harm, as alleged *supra*.

22 95.

23 As a result of these actions by defendants, plaintiffs are each likely to sustain economic damages in
 24 the form of lost income; and have sustained and will continue to sustain noneconomic damages;
 25 thereby each Plaintiff is seeking at least \$9 million for economic damages; and has sustained and will
 26

1 continue to sustain noneconomic damages, and seeks \$1.5 million in noneconomic damages.

2 96.

3 Plaintiffs were required to hire attorneys to represent him in this matter and is entitled to an award of
4 reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.
5

6 **COUNT 4**
7 **NEGLIGENCE**
8 **(AGAINST ALL DEFENDANTS)**

9 97.

10 Plaintiffs Artis and Dotson repeat the foregoing allegations as if fully set forth herein.
11

12 98.

13 The defendants, individually and collectively, had a duty to Artis and Dotson to conduct a campus
14 investigation in a competent manner and in accordance with societal standards and norms governing
15 such investigations, and to conduct a hearing in a competent manner and in accordance with societal
16 standards and norms governing such hearings, and otherwise act in a reasonably prudent manner with
17 regard to Artis and Dotson.
18

19 99.

20 The defendants (including defendant University, by and through its agents and employees acting
21 within the scope of their agency and employment) breached their duty by (among other things)
22 refusing to allow Artis and Dotson to subpoena witnesses who would be supportive of his defense,
23 refusing to provide unredacted reports, refusing to provide a contested case hearing, refusing to allow
24 cross-examination, refusing to provide due process, and engineering a "kangaroo court" hearing with
25 the purpose of finding that Artis and Dotson committed a sexual assault that did not in reality occur.
26

100.

As a result of these defendants' conduct, Artis and Dotson have suffered and will continue to suffer personal and professional harm, as alleged *supra*.

101.

As a result of the actions of the defendants, each plaintiff is likely to sustain economic damages in the form of lost income, and has sustained and will continue to sustain noneconomic damages; and thereby each Plaintiff is seeking at least \$9 million for economic damages; and has sustained and will continue to sustain noneconomic damages, and seeks \$1.5 million in noneconomic damages.

**COUNT 5
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(AGAINST ALL DEFENDANTS)**

102.

Plaintiffs Artis and Dotson repeat the foregoing allegations as if fully set forth herein.

103.

The defendants (including defendant University by and through its agents and employees acting within the scope of their agency and employment) intended to inflict and cause Artis and Dotson to suffer severe emotional distress by taking the actions set forth above.

104.

In the alternative, by taking the actions set forth above, the defendants, individually and collectively, acted with reckless disregard towards Artis and Dotson, causing Artis and Dotson to suffer severe emotional distress.

105.

1 The defendants' actions, as described and set forth above, constituted an extraordinary transgression
2 of the bounds of socially tolerable conduct.

3 106.

4 As a result of these defendants' conduct, Artis and Dotson have suffered and will continue to suffer
5 personal and professional harm, as alleged *supra*.

6 107.

7 As a result of the actions of the defendants, plaintiffs have sustained and will continue to sustain
8 noneconomic damages; and seek an amount not to exceed \$2 million in damages for each Plaintiff.
9

10 **COUNT 6**
11 **TORTIOUS INTERFERENCE WITH**
12 **PROSPECTIVE ECONOMIC RELATIONS**
13 **(AGAINST ALL DEFENDANTS)**

14 108.

15 Plaintiff's Artis and Dotson repeat the foregoing allegations as if fully set forth herein.

16 109.

17 The defendants (including defendant University of Oregon, by and through its agents and employees
18 acting within the scope of their agency and employment) intentionally, recklessly, and tortuously
19 interfered with each Plaintiffs' relationship with NBA teams through the improper means described
20 and set forth above, and with the improper purpose described and set forth above.
21

22 110.

23 As a result of these defendants' conduct, each Plaintiff has suffered and will continue to suffer
24 personal and professional harm, as alleged *supra*.

25 111.
26

1 As a result of the actions of the defendants, each plaintiff is likely to sustain economic damages in
 2 the form of lost income, and has sustained and will continue to sustain noneconomic damages; and
 3 thereby each Plaintiff is seeking at least \$9 million for economic damages; and has sustained and will
 4 continue to sustain noneconomic damages, and seeks \$1.5 million in noneconomic damages.
 5

6
 7 **COUNT 7**
 8 **BREACH OF CONTRACT**
 9 **(AGAINST DEFENDANT UNIVERSITY OF OREGON)**

10 112.

11 Plaintiffs Artis and Dotson repeat the foregoing allegations as if fully set forth herein.

12 113.

13 At all relevant times, Artis and Dotson were recipients of an athletic scholarship from the University,
 14 which contained both express terms and an implied covenant of good faith and fair dealing.

15 114.

16 Artis and Dotson had the objectively reasonable expectation, based upon the express terms of the
 17 contractual relationship governing the athletic scholarship, that the University of Oregon would
 18 renew their scholarship, and not act so as to deprive Artis and Dotson of the fruits of the scholarship,
 19 and otherwise act in good faith vis-a-vis his scholarship.
 20

21 115.

22 The University's actions, as described and set forth above, constituted a breach of the terms of the
 23 contract, including the implied covenant of good faith and fair dealing.
 24

25 116.

26 As a direct and proximate result of the University's breach of contract, each plaintiff has been made

1 to suffer significant direct and consequential damages, including loss of future income as described
 2 and set forth above.

3 117.

4 As a result of the actions of the defendants, each plaintiff expects to sustain economic damages, and
 5 will move to amend his complaint when and if those economic damages are incurred.
 6

7
 8
 9 WHEREFORE, each plaintiff requests a jury trial and prays for judgment against defendants in
 10 the amounts described in the foregoing Complaint; for their reasonable costs and attorney fees;
 11 and for any other relief deemed appropriate by the court.
 12

13
 14 RESPECTFULLY SUBMITTED this 15th day of March 2016,

15 BY:

16 s/ BRIAN MICHAELS
 17 Brian Michaels OSB 925607
 18
 19
 20
 21
 22
 23
 24
 25
 26

FILED
AT 45 O'CLOCK M

MAR 30 2016

Circuit Court For Lane County, Oregon
BY

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY

DOMINIC ARTIS and DAMYEAN
DOTSON,

Plaintiffs,

v.

UNIVERSITY OF OREGON; SANDY
WEINTRAUB; CHICORA MARTIN;
ROBIN HOLMES; and MICHAEL R.
GOTTFREDSON,

Defendants.


Case No. 16CV08200

ORDER ASSIGNING
CASE TO THE
HONORABLE MUSTAFAT. KASUBHAI

THIS MATTER comes before the Court upon the Court's own motion, it appearing appropriate that this case be assigned, therefore;

IT IS HEREBY ORDERED this case is assigned to the Honorable Mustafa T. Kasubhai for all future purposes.

Dated: March 30, 2016.


Debra K. Vogt, Acting Presiding Judge

Prepared by: M. Panter



IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

DOMINIC ARTIS and DAMYEAN
DOTSON,

Plaintiffs,

v.

UNIVERSITY OF OREGON; SANDY
WEINTRAUB; ROBIN HOLMES;
CHICORA MARTIN; AND **MICHAEL
R. GOTTFREDSON,**

Defendants.

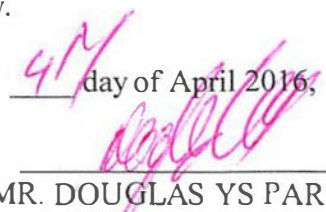
Case No.: 16CV08200

ACCEPTANCE OF SERVICE

COMES NOW undersigned attorney MR. DOUGLAS YS PARK, Deputy General Counsel, Office of the General Counsel, University of Oregon, on behalf of defendant MICHAEL R. GOTTFREDSON, being authorized to do so, hereby accepts service of the summons and complaint in the above-referenced cause and waives any irregularities in service this 4th day of April 2016.

Undersigned attorney MR. DOUGLAS YS PARK hereby declares the above statement is true to the best of my knowledge and belief, and I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED This 4th day of April 2016,
BY:


MR. DOUGLAS YS PARK; OSB 980904
Office of the General Counsel
1226 University of Oregon
Eugene OR 97403
541 346-3082

1 - ACCEPTANCE OF SERVICE

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

DOMINIC ARTIS and DAMYEAN
DOTSON

Plaintiffs,

v.

UNIVERSITY OF OREGON; SANDY
WEINTRAUB; CHICORA MARTIN;
ROBIN HOLMES; AND **MICHAEL R.
GOTTFREDSON,**

Defendants.

Case No.: 16CV08200

SUMMONS

TO: MICHAEL R. GOTTFREDSON
University of Oregon
Eugene, OR 97403-1226

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff's will apply to the court for the relief demanded in the complaint.

NOTICE TO DEFENDANT:

READ THESE PAPERS

CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must

1 be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiffs does not
 2 have an attorney, proof of service on the plaintiffs.

3
 4 If you have any questions, you should see an attorney immediately. If you need help in
 5 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at
 6 www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free
 7 elsewhere in Oregon at (800) 452-7636.
 8

9 s/ BRIAN MICHAELS
 10 BRIAN MICHAELS, P.C.

11 STATE OF OREGON,)
 12 County of Lane) ss.

13
 14 Undersigned Brian Michaels, attorney of record for plaintiffs, certifies the foregoing is an exact and
 15 complete copy of the original summons in the above entitled action.

16 s/ BRIAN MICHAELS
 17 BRIAN MICHAELS, P.C.

18
 19 TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed
 20 to serve a true copy of this summons, together with a true copy of the complaint mentioned therein,
 21 upon the individual or individuals or other legal entity or entities to whom or which this summons is
 22 directed, and to make your proof of service on the document provided which you shall attach hereto.
 23

24 s/ BRIAN MICHAELS
 25 Brian Michaels OSB 925607
 26

2 - SUMMONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

DOMINIC ARTIS and DAMYEAN
DOTSON,
Plaintiffs,

Case No.: 16CV08200

v.

ACCEPTANCE OF SERVICE

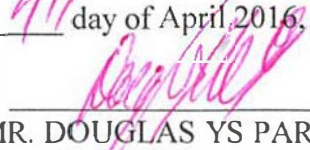
UNIVERSITY OF OREGON; SANDY
WEINTRAUB; **ROBIN HOLMES**;
ROBIN HOLMES; AND MICHAEL R.
GOTTFREDSON,
Defendants.

COMES NOW undersigned attorney MR. DOUGLAS YS PARK, Deputy General Counsel, Office
of the General Counsel, University of Oregon, on behalf of defendant ROBIN HOLMES, being
authorized to do so, hereby accepts service of the summons and complaint in the above-referenced
cause and waives any irregularities in service this 4th day of April 2016.

Undersigned attorney MR. DOUGLAS YS PARK hereby declares the above statement is true to the
best of my knowledge and belief, and I understand it is made for use as evidence in court and is
subject to penalty for perjury.

DATED This 4th day of April 2016.

BY:


MR. DOUGLAS YS PARK; OSB 980904
Office of the General Counsel
1226 University of Oregon
Eugene OR 97403
541 346-3082

1 - ACCEPTANCE OF SERVICE

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

DOMINIC ARTIS and DAMYEAN
DOTSON

Plaintiffs,

v.

UNIVERSITY OF OREGON; SANDY
WEINTRAUB; CHICORA MARTIN;
ROBIN HOLMES; AND MICHAEL R.
GOTTFREDSON,

Defendants.

Case No.: 16CV08200

SUMMONS

TO: ROBIN HOLMES
University of Oregon
Eugene, OR 97403-1226

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff's will apply to the court for the relief demanded in the complaint.

NOTICE TO DEFENDANT:

READ THESE PAPERS

CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiffs do not have

1 - SUMMONS

BRIAN MICHAELS, P.C.
Attorney At Law
259 East Fifth Avenue, Suite 300-D
Eugene, Oregon 97401
Telephone: (541)687-0578

1 an attorney, proof of service on the plaintiffs.

2 If you have any questions, you should see an attorney immediately. If you need help in
3 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at
4 www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free
5 elsewhere in Oregon at (800) 452-7636.
6

7 s/ BRIAN MICHAELS
BRIAN MICHAELS, P.C.

8 STATE OF OREGON,)
9)
10 County of Lane) ss.

11 Undersigned Brian Michaels, attorney of record for plaintiffs, certifies the foregoing is an exact and
12 complete copy of the original summons in the above entitled action.
13

14 s/ BRIAN MICHAELS
BRIAN MICHAELS, P.C.

15
16
17 TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed
18 to serve a true copy of this summons, together with a true copy of the complaint mentioned therein,
19 upon the individual or individuals or other legal entity or entities to whom or which this summons is
20 directed, and to make your proof of service on the document provided which you shall attach hereto.
21

22 s/ BRIAN MICHAELS
23 Brian Michaels OSB 925607
24
25
26

2 - SUMMONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

DOMINIC ARTIS and DAMYEAN
DOTSON,

Plaintiffs,

v.

UNIVERSITY OF OREGON; SANDY
WEINTRAUB; ROBIN HOLMES;
CHICORA MARTIN; AND
MICHAEL R. GOTTFREDSON,

Defendants.

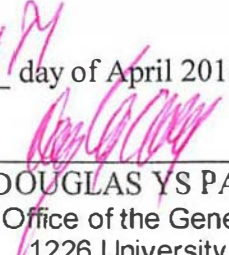
Case No.: 16CV08200

ACCEPTANCE OF SERVICE

COMES NOW undersigned attorney MR. DOUGLAS YS PARK, Deputy General Counsel, Office of the General Counsel, University of Oregon, on behalf of defendant CHICORA MARTIN, being authorized to do so, hereby accepts service of the summons and complaint in the above-referenced cause and waives any irregularities in service this 4th day of April 2016.

Undersigned attorney MR. DOUGLAS YS PARK hereby declares the above statement is true to the best of my knowledge and belief, and I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED This 4th day of April 2016,
BY:


MR. DOUGLAS YS PARK; OSB 980904
Office of the General Counsel
1226 University of Oregon
Eugene OR 97403
541 346-3082

1 - ACCEPTANCE OF SERVICE

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

DOMINIC ARTIS and DAMYEAN
DOTSON

Plaintiffs,

v.

UNIVERSITY OF OREGON; SANDY
WEINTRAUB; **CHICORA MARTIN**;
ROBIN HOLMES; AND MICHAEL R.
GOTTFREDSON,

Defendants.

Case No.: 16CV08200

SUMMONS

TO: CHICORA MARTIN
Office of the General Counsel
1226 University of Oregon
Eugene, OR 97403-1226

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiffs will apply to the court for the relief demanded in the complaint.

NOTICE TO DEFENDANT:
READ THESE PAPERS
CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must

I - SUMMONS

1 be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff's does not
 2 have an attorney, proof of service on the plaintiff's.

3
 4 If you have any questions, you should see an attorney immediately. If you need help in
 5 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at
 6 www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free
 7 elsewhere in Oregon at (800) 452-7636.
 8

9 s/ BRIAN MICHAELS

10 BRIAN MICHAELS, P.C.

11 STATE OF OREGON,)
 12 County of Lane) ss.

13
 14 Undersigned Brian Michaels, attorney of record for plaintiff's, certifies the foregoing is an exact and
 15 complete copy of the original summons in the above entitled action.

16 s/ BRIAN MICHAELS

17 BRIAN MICHAELS, P.C.

18 Attorney At Law

19 TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby
 20 directed to serve a true copy of this summons, together with a true copy of the complaint mentioned
 21 therein, upon the individual or individuals or other legal entity or entities to whom or which this
 22 summons is directed, and to make your proof of service on the document provided which you shall
 23 attach hereto.
 24

25 s/ BRIAN MICHAELS

26 Brian Michaels OSB 925607

2 - SUMMONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

DOMINIC ARTIS and DAMYEAN
DOTSON,
Plaintiffs,

v.

UNIVERSITY OF OREGON; SANDY
WEINTRAUB; ROBIN HOLMES;
ROBIN HOLMES; AND MICHAEL R.
GOTTFREDSON,
Defendants.


Case No.: 16CV08200

ACCEPTANCE OF SERVICE

COMES NOW undersigned attorney MR. DOUGLAS YS PARK, Deputy General Counsel, Office
of the General Counsel, University of Oregon, on behalf of defendant UNIVERSITY OF OREGON,
being authorized to do so, hereby accepts service of the summons and complaint in the above-
referenced matter and waives any irregularities in service this 4th day of April 2016.

Undersigned attorney MR. DOUGLAS YS PARK hereby declares the above statement is true to the
best of my knowledge and belief, and I understand it is made for use as evidence in court and is
subject to penalty for perjury.

DATED This 4th day of April 2016,
BY:


MR. DOUGLAS YS PARK, OSB 980904
Office of the General Counsel
1226 University of Oregon
Eugene OR 97403
541 346-3082

1 - ACCEPTANCE OF SERVICE

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

DOMINIC ARTIS and DAMYEAN
DOTSON

Plaintiffs,

v.

UNIVERSITY OF OREGON; SANDY
WEINTRAUB; CHICORA MARTIN;
ROBIN HOLMES; AND MICHAEL R.
GOTTFREDSON,

Defendants.

Case No.: 16CV08200

SUMMONS

TO: UNIVERSITY OF OREGON
Office of the General Counsel
1226 University of Oregon
Eugene, OR 97403-1226

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiffs will apply to the court for the relief demanded in the complaint.

NOTICE TO DEFENDANT:
READ THESE PAPERS
CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must

I - SUMMONS

1 be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiffs do not have
 2 an attorney, proof of service on the plaintiffs.

3
 4 If you have any questions, you should see an attorney immediately. If you need help in
 5 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at
 6 www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free
 7 elsewhere in Oregon at (800) 452-7636.

8 s/ BRIAN MICHAELS
 9 BRIAN MICHAELS, P.C.

10 STATE OF OREGON,)
 11)
 12 County of Lane) ss.

13 Undersigned Brian Michaels, attorney of record for plaintiffs, certifies the foregoing is an exact and
 14 complete copy of the original summons in the above entitled action.

15 s/ BRIAN MICHAELS
 16 BRIAN MICHAELS, P.C.

17
 18 TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed
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 20 upon the individual or individuals or other legal entity or entities to whom or which this summons is
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 22

23 s/ BRIAN MICHAELS
 24 Brian Michaels OSB 925607
 25
 26

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

DOMINIC ARTIS and DAMYEAN
DOTSON,
Plaintiffs,

Case No.: I6CV08200

v.

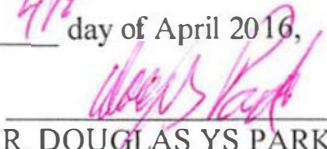
ACCEPTANCE OF SERVICE

UNIVERSITY OF OREGON; **SANDY
WEINTRAUB**; ROBIN HOLMES;
ROBIN HOLMES; AND MICHAEL R.
GOTTFREDSON,
Defendants.

COMES NOW undersigned attorney MR. DOUGLAS YS PARK, Deputy General Counsel, Office of the General Counsel, University of Oregon, on behalf of defendant SANDY WEINTRAUB, being authorized to do so, hereby accepts service of the summons and complaint in the above-referenced cause and waives any irregularities in service this 4th day of April 2016.

Undersigned attorney MR. DOUGLAS YS PARK hereby declares the above statement is true to the best of my knowledge and belief, and I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED This 4th day of April 2016,
BY:


MR. DOUGLAS YS PARK; OSB 980904
Office of the General Counsel
1226 University of Oregon
Eugene OR 97403
541 346-3082

1 - ACCEPTANCE OF SERVICE

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

DOMINIC ARTIS and DAMYEAN
DOTSON

Plaintiffs,

v.

UNIVERSITY OF OREGON; SANDY
WEINTRAUB; CHICORA MARTIN;
ROBIN HOLMES; AND MICHAEL R.
GOTTFREDSON,

Defendants.

Case No.: 16CV08200

SUMMONS

TO: SANDY WEINTRAUB
University of Oregon
Eugene, OR 97403-1226

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiffs will apply to the court for the relief demanded in the complaint.

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1 have an attorney, proof of service on the plaintiffs.

2
3 If you have any questions, you should see an attorney immediately. If you need help in
4 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at
5 www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free
6 elsewhere in Oregon at (800) 452-7636.
7

8 s/ BRIAN MICHAELS
9 BRIAN MICHAELS, P.C.

10 STATE OF OREGON,)
11 County of Lane) ss.

12
13
14 Undersigned Brian Michaels, attorney of record for plaintiffs, certifies the foregoing is an exact and
15 complete copy of the original summons in the above entitled action.

16 s/ BRIAN MICHAELS
17 BRIAN MICHAELS, P.C.

18 TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed
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20 upon the individual or individuals or other legal entity or entities to whom or which this summons is
21 directed, and to make your proof of service on the document provided which you shall attach hereto.
22
23

24 s/ BRIAN MICHAELS
25 Brian Michaels OSB 925607
26